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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,164	10/29/2001	Wade W. Smith	WMS-15	9573

7590

02/28/2005

Spencer T. Smith  
53 Silver Brook Lane  
North Granby, CT 06060

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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10/055, 164

EXAMINER
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ART UNIT	PAPER
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20050216

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See attached

IB.

## **DETAILED ACTION**

### ***Defective Appeal Under 37 CFR 41.37***

In accordance to Rules of Practice Before the Board of Patent Appeals and Interferences (effective September 13, 2004), the appeal brief must contain the following items (§ 41.37(c)):

Real party in interest (similar to former § 1.192). Includes a statement identifying by name the real party in interest even if the party named in the caption of the brief is the real party in interest.

Related appeals and interferences (similar to former §1.192).

Status of claims (similar to former § 1.192). Includes a statement of the status of any amendments filed subsequent to final rejection.

Status of amendments (same as former § 1.192).

Summary of claimed subject matter (replacing "summary of invention"). Includes a concise explanation of the subject matter defined in each of the independent claims involved in the appeal; must refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately, the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

The appeal brief filed by the Applicant on 11/24/2004 fails to provide:

A real party in interest;

Related appeals and interferences;

Status of claims;

Status of amendments; and

Summary of claimed subject matter.

Therefore, the applicant's appeal brief is considered to be defective.

Applicant is given one month to reply to this Notice of Defective Appeal Brief.  
Extensions of time may be obtained under 37 CFR 1:136(a).

***Conclusion***

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

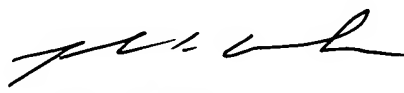
***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

or faxed to:

**(703) 305-7687** [Official communications; including After Final  
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

  
**JOHN G. WEISS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**

IB

2/14/2005